

NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 3300 Newport Boulevard
Thursday, January 19, 2012
REGULAR MEETING
6:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE – Led by Commissioner Kramer

C. ROLL CALL

PRESENT: Ameri, Hillgren, Kramer, Myers, Toerge, and Tucker

Staff Present: Kimberly Brandt, Community Development Director; Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; and Tone Brine, City Traffic Engineer

D. WELCOME OF NEW PLANNING COMMISSIONER LARRY TUCKER

Chair Toerge welcomed new Planning Commissioner Larry Tucker and briefly listed his background and qualifications.

E. RECOGNITION OF FORMER PLANNING COMMISSIONER ROBERT C. HAWKINS' SERVICE

Chair Toerge acknowledged former Planning Commissioner Robert Hawkins, expressed his appreciation of his service to the City, and Staff presented him with a plaque.

F. PUBLIC COMMENTS

Chair Toerge invited comments from those in the audience who wished to address the Commission on other than Agenda items.

W.R. Dildine noted he resides within the Balboa Village Business Improvement District and referenced the General Plan opining that it is misleading. Specifically, he mentioned the Post Office is listed as a public facility which it is not. He addressed abatement extensions, noted the telephone company is shown as residential and listed other errors within the Plan. He opined the entire document needs to be reviewed and corrected.

G. REQUEST FOR CONTINUANCES – None.

H. CONSENT ITEMS

ITEM NO. 1 Minutes of December 8, 2011

Motion made by Vice Chair Hillgren and seconded by Secretary Ameri, and carried (5 - 0), with Commissioner Tucker abstaining, to approve the minutes of December 8, 2011, as corrected.

AYES: Ameri, Hillgren, Kramer, Myers, and Toerge

NOES: None.

ABSENT(EXCUSED): None.

ABSTENTION: Tucker

I. PUBLIC HEARING ITEMS

ITEM NO. 2 SCAP III, LLC Property Amendment (PA2011-196)
514 E. Ocean Front (aka 101-107 Palm Street)

The Chair read title to the aforementioned item, opened the public hearing and called for a report from staff.

Associate Planner Jaime Murillo presented details of the report addressing location, surrounding land uses, existing conditions, non-conforming commercial uses due to General Plan update, and change in zoning. It was noted the property owner has no plans in redeveloping the property for residential use and wishes to maintain the existing mixed-use building. He presented recommendations and offered to respond to questions from the Commission.

Interested parties were invited to address the Commission on this item.

Chair Toerge opened the public hearing.

Terry Jones, Attorney for the property owner, emphasized that her client merely wants to maintain the same use that was approved when the building was permitted in 1948. He plans no changes and wants to continue business as usual and has an interest in the residential portion of his property as he would not like his tenants disturbed by noise.

W.R. Dildine spoke in support of the item.

No one else wished to address the Commission on this item and Chair Toerge closed the public hearing.

Motion made by Vice Chair Hillgren and seconded by Secretary Ameri, and carried (6 - 0) to adopt a resolution recommending the City Council approves General Plan Amendment No. GP2011-009; approve Local Coastal Plan Amendment No. LC2011-005; and approve Code Amendment No. CA2011-012.

AYES:	Ameri, Hillgren, Kramer, Myers, Toerge, and Tucker
NOES:	None.
ABSENT(EXCUSED):	None.
ABSTENTION:	None.

ITEM NO. 3 Flyn' Fish Oyster Bar & Grill (PA2011-199)
2304 W. Ocean Front

The Chair read title to the aforementioned item, opened the public hearing and called for a report from staff.

Associate Planner Jaime Murillo presented details of the report noting it is a request for a conditional use permit to change the seating configuration of an existing eating and drinking establishment as well as expanding the hours of operation. He addressed location, existing conditions and parking. Mr. Murillo presented a brief background on the restaurant, floor plan, proposed construction of a new bar, and recommendations.

Interested parties were invited to address the Commission on this item.

Dennis Braeutigam, Architect, reported on the interior modifications.

Stephen Loomis, Restaurant Partner, affirmed reading and accepting the conditions of approval.

Joel Faucetta spoke in support of the project.

Gordon Barienbrock commented in support of the project.

No one else wished to address the Commission on this item and the public hearing was closed.

Commissioner Myers expressed concern over parking.

Mr. Murillo addressed the number of parking spaces for the adjacent hotel and clarified the restaurant maintains three designated parking spaces. He also noted that the hotel allowed the use of additional parking spaces on their property as available for restaurant valet parking.

Discussion followed regarding the possibility of obtaining additional parking and whether the City has ever received complaints regarding the restaurant parking. Mr. Murillo confirmed that there was no record of complaints.

Motion made by Vice Chair Hillgren and seconded by Commissioner Kramer, and carried (6 - 0) to adopt a resolution approving Conditional Use Permit No. UP2011-034.

AYES: Ameri, Hillgren, Kramer, Myers, Toerge, and Tucker
NOES: None.
ABSENT(EXCUSED): None.
ABSTENTION: None.

ITEM NO. 4 Voyer Variance (PA2011-212)
20442 Santa Ana Avenue

The Chair read title to the aforementioned item, opened the public hearing and called for a report from staff.

Deputy Community Development Director Brenda Wisneski presented details of the report addressing location, existing conditions, surrounding properties and details of the application. She presented a brief history of the property, addressed an unpermitted rear structure and actions needed to remedy non-compliant elements. Ms. Wisneski addressed the site plan, proposed modifications, zoning designations, size of the lot, setback limits and density. She presented project-specific conditions of approval.

Interested parties were invited to address the Commission on this item.

Mr. Voyer affirmed reading and acceptance of all conditions of approval.

In response to inquiries from Vice Chair Hillgren, Mr. Voyer reported finances are the reason for the requested change at this time.

No one else wished to address the Commission on this item and the public hearing was closed.

Motion made by Commissioner Kramer and seconded by Tucker, and carried (4 - 2) to adopt a resolution approving Variance No. VA2011-011.

AYES: Ameri, Kramer, Toerge, and Tucker
NOES: Myers and Hillgren
ABSENT(EXCUSED): None.
ABSTENTION: None.

J. NEW BUSINESS – None.

K. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 Community Development Director's report.

Community Development Director Kimberly Brandt advised the Commission that at the City Council's last hearing, they approved the Lido Village Design Guidelines.

Ms. Brandt reported the City Council will proceed with filling the new vacancy currently in the Planning Commission.

ITEM NO. 6 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

In response to an inquiry from Vice Chair Hillgren, Ms. Brandt presented a status update on upcoming appeals to be brought before the City Council.

ITEM NO. 7 Request for excused absences.

Commissioner Kramer requested to be absent at the Planning Commission meeting of February 9, 2012.

ADJOURNMENT – The meeting was adjourned at 7:20 p.m.